UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/843,887	04/30/2001	Lawrence M. Besaw	10006654-1	1155

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HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

EXAMINER
LEWIS, ADAM M

ART UNIT	PAPER NUMBER
2174	4

DATE MAILED: 03/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>*30 April 2001*</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2.   Claim 1, 2, 4, 5, 9, 10, 12, 15, 16, and 18 are rejected under 35 U.S.C. 102(b) as

being anticipated by Grau et al. ("Grau", US# 5,910,803).

As per independent claim 1, Grau teaches a method for generating a network

topology map, comprising:

receiving a map request from a remote node (Grau, col. 8, lines 12-17);

invoking a mapview module configured to generate a topology map with gathered

information (Grau, col. 8, lines 12-17); and

transmitting said topology map to said remote node using a network protocol

(inherent in Grau, col. 5, lines 6-9).

The inherency of using a network protocol is based in the fact that to receive a

generated a network map, the requesting system must be connected to the network.

Therefore the map requested must be sent by a network protocol to the requesting

computer.

Independent claims 9 and 15 are similar in scope to claim 1, and are therefore

rejected under similar rationale.

As per claim 2, which is dependent on claim 1, Grau teaches the method for generating a network topology map according to claim 1, further comprising:

adding a plurality of icons to said topology map, wherein said mapview module is further configured to generate connection lines between a subplurality of icons of said plurality of icons (Grau, col. 11, lines 65-67 and col. 12, lines 1-4).

Dependent claims 10 and 16 are similar in scope to claim 2, and are therefore rejected under similar rationale.

As per claim 4, which is dependent on claim 1, Grau teaches the method for generating a network topology map according to claim 1, further comprising:

generating said topology map by receiving a command on said gathered information (Grau, col. 8, lines 15-27).

As per claim 5, which is dependent on claim 1, Grau teaches the method for generating a network topology map according to claim 1, further comprising:

initializing a graphics driver, said graphics driver configured to provide an abstraction layer between said mapview module and a graphics library (Grau, col. 5, lines 58-67 and col. 6, lines 1-3).

As per claim 12, which is dependent on claim 9, Grau teaches the system for generating a network topology map according to claim 9, wherein said mapview module is further configured to generate said topology map by initiating a command on said gathered information (Grau, col. 8, lines 12-15).

Dependent claim 18 is similar in scope to claim 12, and is therefore rejected under similar rationale.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

4.   Claims 3, 6-8, 11, 13, 14, 17, 19, and 20 are rejected under 35 U.S.C. 103(a) as

being unpatentable over Grau in view of Newton ("Newton", *Newton's Telecom*

Dictionary, 16th edition, ISBN# 1-57820-053-9 © 2000).

As per claim 3, which is dependent on claim 1, Grau fails to teach the method for

generating a network topology map according to claim 1, further comprising:

associating an output file stream with said topology map transmitted to said

remote node.

However, using an output file stream to transmit data to a remote node is well

known in the art. An example can be found in Newton's definition of "streaming." It

would have been obvious to one skilled in the art at the time of invention to use an

output file stream to transmit the topological data to a remote node because it would

allow the user to see data immediately, even if the entire data set has not yet been

received by the node (Newton, Page 807, definition: "streaming").

Dependent claims 11 and 17 are similar in scope to claim 3, and are therefore

rejected under similar rationale.

As per claim 6, which is dependent on claim 5, Grau fails to teach the method for

generating a network topology map according to claim 5, further comprising:

formatting said topology map to conform to a graphics format supported by said graphics library, wherein said graphics format includes a portable network graphics ("PNG") format.

However, using the PNG format to transfer graphical data over a network is well known in the art and is therefore not novel. An example can be found in Newton's definition of "PNG." It would have been obvious to one skilled in the art at the time of invention to transfer graphical data using the PNG format in the network topology system of Grau because it provides better image compression technology and therefore reduces download time (Newton, Page 659, definition "PNG").

As per claim 7, which is dependent on claim 5, Grau fails to teach the method for generating a network topology map according to claim 5, further comprising:

formatting said topology map to conform to a graphics format supported by said graphics library, wherein said graphics format includes a graphics interchange format ("GIF").

However, using the GIF format to transfer graphical data over a network is well known in the art and is therefore not novel. An example can be found in Newton's definition of "GIF." It would have been obvious to one skilled in the art at the time of invention to transfer graphical data using the GIF format in the network topology system of Grau because the files are small and download quickly (Newton, Page 376, definition "GIF").

As per claim 8, which is dependent on claim 1, Grau fails to teach the method for generating a network topology map according to claim 1, wherein said network protocol includes hypertext transfer protocol.

However, using hypertext transfer protocol to transfer data over a network is well known in the art, and therefore not novel. An example can be found in Newton's definition of "HTTP" and "HTTPS." It would have been obvious to one skilled in the art at the time of invention to use HTTP as the network protocol to transfer data in the network topology system of Grau because HTTP is the standard way of transferring information over the internet (Newton, Page 358, definition "HTTP"), and therefore would provide the ability to map networks over the internet.

As per claim 13, which is dependent on claim 9, Grau teaches the system for generating a network topology map according to claim 9, wherein said mapview module is further configured to generate said topology map in a portable network graphics ("PNG") format.

However, using the PNG format to transfer graphical data over a network is well known in the art and is therefore not novel. An example can be found in Newton's definition of "PNG." It would have been obvious to one skilled in the art at the time of invention to transfer graphical data using the PNG format in the network topology system of Grau because it provides better image compression technology and therefore reduces download time (Newton, Page 659, definition "PNG").

Dependent claim 19 is similar in scope to claim 13, and is therefore rejected under similar rationale.

As per claim 14, which is dependent on claim 9, Grau fails to teach the system for generating a network topology map according to claim 9, wherein said mapview module is further configured to generate said topology map in a graphics interchange format ("GIF").

However, using the GIF format to transfer graphical data over a network is well known in the art and is therefore not novel. An example can be found in Newton's definition of "GIF." It would have been obvious to one skilled in the art at the time of invention to transfer graphical data using the GIF format in the network topology system of Grau because the files are small and download quickly (Newton, Page 376, definition "GIF").

Dependent claim 20 is similar in scope to claim 14, and is therefore rejected under similar rationale.

Conclusion

5.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Besaw et al. (US# 5,276,789) teaches a graphic display of network topology.

Pfeil et al. (US# 5,845,277) teaches the production of statistically based network maps.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adam M. Lewis whose telephone number is 703-305-0720. The examiner can normally be reached on M-Th 7:00-4:30, Alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine L. Kincaid can be reached on 703-308-0640. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Kristine Kincaid

KRISTINE KINCAID
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100